

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN DOE,	:	Civil Action No.:
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
	:	
TRUSTEES OF BOSTON COLLEGE,	:	
	:	
Defendants.	:	
	:	

**DECLARATION OF TARA J DAVIS, ESQ.
IN SUPPORT OF PLAINTIFF’S *EX PARTE* MOTION TO PROCEED
UNDER PSEUDONYM AND FOR PROTECTIVE ORDER**

TARA J DAVIS, ESQ. hereby declares subject to the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am admitted to practice in the courts of the State of Massachusetts and am a member of the Bar of the Massachusetts Courts. I am associated with the law firm of Nesenoff & Miltenberg, LLP, attorneys for the plaintiff, John Doe (“Plaintiff”).

2. I submit this declaration in support of Plaintiff’s *Ex Parte* Motion to Proceed Under Pseudonym and for Protective Order.

3. In the instant action, Plaintiff seeks redress due to the actions, inactions, omissions, errors, flawed procedures and/or overall failure of Defendants the Trustees of Boston College (the “Trustees” or “BC” or the “College”), and their employees and/or agents to provide Plaintiff with a meaningful standard of due process, basic fairness, and equity concerning false allegations of nonconsensual sexual activity with fellow BC student Jane Roe (“Roe”).

4. On or about December 10, 2018, Roe brought a formal complaint against Plaintiff for alleged sexual assault. After an investigation process which deprived Doe of proper notice of

the charges, denied Doe access to all evidence until after he had already been interviewed, did not afford Doe an opportunity to have his case heard by an independent panel, to confront his accuser, or to cross-examine witnesses, on June 18, 2019, Doe was ultimately found responsible for non-consensual sexual contact, in violation of BC's Policy against Sexual Assault. On July 24, 2019, Doe's appeal was denied and BC's erroneous finding of responsibility, and sanction of a one-year suspension were upheld.

5. A non-exhaustive list of Defendants' wrongful actions include the following: (i) Defendants changed the charge against Doe, without providing him notice of such change, after the Investigators determined they could not find him responsible for the initial charge, and at the conclusion of the investigation process, thus limiting his ability to defend himself; (ii) Defendants failed to conduct a thorough and impartial investigation when they disregarded critical inconsistencies in Roe's testimony while assigning great weight to inconsequential aspects of Doe's testimony; (iii) Defendants evidenced a gender bias against Plaintiff as the male accused when the Investigators reached a conclusion unsupported by the evidence and instead motivated by a bias against Doe as a [REDACTED]; (iv) Defendants made assessments of credibility and evidentiary weight with respect to each party and witness without any ascertainable rationale or logic; (v) Defendants failed to afford Plaintiff the requisite presumption of innocence required by a preponderance of the evidence standard; (vi) Defendants failed to provide Doe an opportunity to have his case heard before an impartial panel, and to cross-examine his accuser or any witnesses; and (viii) Defendants reached an erroneous finding that was not supported by the evidence. All of these procedural errors, individually and when taken together, unfairly and materially affected the outcome of Plaintiff's case.

6. As a result of Defendants' discriminatory and unlawful conduct, Plaintiff was suspended from the College for one academic year, resulting in a permanent notation on his academic record, a delayed graduation date, the loss of his [REDACTED] for the College, and the consequent loss of anticipated career opportunities and prospective earnings.

7. Plaintiff therefore brings this action to obtain relief based on causes of action for violations of Title IX of the Education Amendments of 1972, breach of contract, denial of basic fairness/arbitrary and capricious decision-making, and other state law causes of action.

8. In light of the personal and explicit nature of the facts of this matter, as set forth in greater detail in Plaintiff's Complaint and accompanying Memorandum of Law in Support of Plaintiff's *Ex Parte* Motion, Plaintiff should be permitted to protect his identity by filing the Complaint under a pseudonym.

WHEREFORE, the Court should grant Plaintiff's application in its entirety, and should order such further and other relief as the Court deems just and proper.

I declare under the penalty of perjury that the foregoing is true and correct, pursuant to Title 28, United States Code, Section 1746.

**Dated: New York, New York
July 29, 2019**

/s/ Tara J. Davis
Tara J. Davis, Esq.